LAND RIGHTS AND ENCLOSURES: IMPLEMENTING THE MOZAMBICAN LAND LAW IN PRACTICE

Christopher Tanner PhD

FAO Senior Technical Advisor on
Land and Natural Resources Policy and Legislation

Centre for Legal and Judicial Training
Ministry of Justice
Matola,
Maputo Province,
Mozambique

Paper presented to the International Conference

The Changing Politics of Land in Africa: domestic policies, crisis management, and regional norms

University of Pretoria
28-29 November 2005

In partnership with
IFAS (Institut Français d'Afrique du Sud)
French Embassy of South Africa
London School of Economics

ABSTRACT

Post-war Mozambique confronted the challenge of reforming land policy and legislation with an innovative land law that protects customary rights while promoting investment and development. Most rural households have customarily acquired land rights, now legally equivalent to an official State land use right. When necessary, they can be proven by analysing local land management and production systems, resulting in large areas being registered in the name of 'local communities'. With rights recognised and recorded, communities can then negotiate with investors and the State and secure agreements to promote local development and reduce poverty. This paper presents recent information on Land Law implementation, which is partially successful, but with public land agencies still neglecting community aspects. A focus on fast tracking private sector land use applications is resulting in land concentration that couild fuel future conflicts over resource access and use. The progressive mechanism of the community consultation is being applied, but in a way that does not bring real local benefits - instead it gives a veneer of respectability to what is more like a European style enclosure movement, aimed to rationalise land use and place resources in the hands of a class that sees itself as more capable and better able to use national resources than the peasant farmers whose rights are legally recognised but still unprotected in practice. The mid-1990s consensus on land policy is still in place, but under serious pressure to move towards a market in land rights. An historic opportunity is in danger of being lost – the chance to use the Land Law to implement rural transformation with a controlled enclosure process that brings social benefits and generates an equitable and sustainable outcome for all those involved.

KEYWORDS: Mozambique, land, rights, concentration, equitable, privatisation, investment, rural, development.

INTRODUCTION

Mozambique has not failed to address the 'land question'. Indeed its first democratically elected government resolved to modernise land policy , and produced the 1997 Land Law through a democratic process that also took into account customary land occupation and administration (Tanner 2002). The question now is, has Mozambique addressed the challenge of implementation?

The 1990 Constitution maintained the principle of state ownership and did not allow land sales, but early free market reforms and the 1992 Peace Accord were already turning land into a valuable asset (Bruce and Tanner 1993, Tanner 2002). Refugees and displaced people (IDPs) went back to where they had customary rights and could quickly start farming, only to find their land occupied by strangers, often with new documents. Government and donors were worried that official policy did not protect the poor, and would not attract investors to a war-ravaged country desperate for new capital.

The lack of local conflict during the resettlement of millions of 'family sector' farms did however underline the continuing relevance of traditional land administration as *the* land management system of Mozambique, providing a vital zero cost service to the State (Myers, West and Eliseu 1993: Myers, Eliseu and Nhachungue 1993, Tanner et al 1993).

Later farm systems research also showed how local livelihoods strategies were adapted to local conditions, minimising risk and using different resources through the year (De Wit et al, 1995, 1996). This suggested a very different view of land rights compared with the official ´family sector farm´ view of governing elites still wedded to post-Independence socialist ideas, also evident in other African countries with similar histories (De Wit 1996, Tanner 1991).

Meanwhile, post-Independence governments had done little to change the colonial land structure. Colonial land units remained on cadastral records, although many became State Farms and cooperatives. Most ended up being occupied by local people and farm workers claiming pre-colonial and other informally acquired rights (Myers, West and Eliseu 1993: Myers, Eliseu and Nhachungue 1993, Tanner et al 1993). The State Farms were the first to be affected by the privatisation of agriculture initiated by FRELIMO in the early 1980s (Tanner 1993), and were allocated as going concerns to favoured private investors. The result was a feeling amongst local people that they had been robbed at least three times: by the colonial state, by post-Independence socialists, and by the new privatisation process (Tanner 1993).

This mix of surging demand, reasserted rights, and a complex land structure inherited from pre- and post-colonial governments was creating serious problems. National expert opinion was vocal even before the Interministerial Commission for the Reform of Land Legislation (the 'Land Commission') emerged in 1995. While "most local farmers resorted to traditional authorities to acquire land" (Carilho 1994:69), there was a general feeling that existing legislation was adequate and just needed a few adjustments (FAO

1994:21). A process of "indigenous modernisation – "modernisation from within, based on the Mozambican reality" - was nevertheless a "major long term goal" (FAO 1994:15).

Yet the co-existence of marginalised customary systems with a weak public land administration had created "a situation of great institutional weakness in relation to natural resources management" (Rodrigues 1994:158). The law was not the problem – effective implementation was needed, and this required stronger public land administration, a conclusion with a familiar ring in 2005.

Demand for land has since risen exponentially, boosted by the Peace Accord, multiparty elections and continuing economic reforms. While the 2004 Constitution confirms state ownership, the political stability created by two more successful multiparty elections has boosted demand still further. Local land rights are today under immense pressure, from both international and national investors.

This paper will argue that the Land Law *has* had some success managing this situation, but that these pressures and a weak and still unreformed land administration are resulting in a *de facto* enclosure process that is seriously threatening local rights and the equity enhancing potential of the 1997 legislation.

A CONTROLLED ENCLOSURE MOVEMENT

National experts who recognised the existence and legitimacy of customary land systems in the mid-1990s also accepted the need for a legal framework in tune with a modern market economy. They agreed that specific articles of the existing Land Law should be changed, "to accommodate the transfer of use rights via the market", and the "automatic renovation of the 50 year (State leasehold) period (FAO 1994:22).

The basic Constitutional principle of State ownership could not be changed, but attention focused instead on changing the way the State allocated ´land use and benefit right´ (or DUAT[1]) could be used. Old ideas about ´family sector occupation´ also had to change, in response to evidence from production systems and livelihoods analyses that 'customary rights´ covered far wider areas than previously thought, including common land and areas reserved for family expansion. Public land services also needed reform and upgrading. A case was therefore made for a more radical policy review and new Land Law, which should protect local rights – recognising the legitimacy of customary systems – *and* provide investors with secure long term rights and some form of transactibility in land rights.

The resulting 1995 National Land Policy addresses both issues in its central declaration:

'Safeguard the diverse rights of the Mozambican people over the land and other natural resources, while promoting new investment and the sustainable and equitable use of these resources' (1995 National Land Policy, in CFJJ 2004)

[1] DUAT - Direito de Uso e Ocupação de Terra

Protection for existing rights and conditions for secure investment were built into the new law, with important implications for the land map of Mozambique. Firstly, customary and formal land administrations were integrated within a single policy and legal framework. Thus Mozambique is *not* divided into distinct community and commercial areas – different types of occupation and use co-exist, often side by side.

Secondly, the policy recognises the legitimacy of extensive customarily acquired land rights, and gives them full legal equivalence to a State-allocated DUAT[2,3]. They can then be recorded using a methodology specified in the Land Law Regulations. In terms of legal rights, there is in fact very little ´free´ land in Mozambique.

The law is also an *instrument for equitable and sustainable rural development.* It allows negotiated private sector access to customarily acquired land, with agreements benefiting local people. Individuals with customary rights can also take their land out of customary jurisdiction. The law recognises rights acquired by 'good faith' or squatter occupation, to safeguard IDPs who remained where they were after the war[4], and protect the millions who simply occupy land without formal documents.

The law empowers local people to participate in land and natural resources management, including allocating rights to investors and conflict resolution. Private investors seeking new DUATs must consult local communities first. Local people can choose to keep their rights, or make deals that generate resources for local development. Finally, new Regulations ended the validating of old rights by former colonial occupants, and all uncompleted new claims had to comply with the new law, including the key community consultation provision.

The 1997 Land Law is therefore a blueprint for a controlled and equitable process of rural structural transformation. It also promotes a more rational use of land in the hope of a more productive future for all, through the transfer of some local rights to new land users. In this sense Mozambique today shares the vision of those who proposed the enclosures of 18th Century England. To quote one 18th enclosure act:

'And whereas the Lands and Grounds…lie inconveniently dispersed, and intermixed with each other, and are in general so disadvantageously circumstanced as to render the Cultivation and Management thereof very difficult and expensive; but if the same…were divided and allocated.and.inclosed they would be rendered of much greater Value, and might be much improved…' (quoted in Russel 2000:56).

Similar sentiments are often heard amongst investors and policy makers in Maputo, frustrated by the apparent waste of land in the hands of peasant producers. Yet while the new law *is* a document for change and getting resources into production, senior commentators also underline the need to protect local rights as the precondition for equitable land rationalisation and rural transformation, and to bring 'advantages that

[2] Direito de Uso e Aproveitamento de Terra.
[3] Law 19/97, Article 12.
[4] Applies to national individuals occupying unclaimed land for ten years uncontested.

guarantee the defence of the interests of local communities' (Do Rosario 2005:177)[5]. This is the great challenge of the 1997 Land Law.

LAND LAW IMPLEMENTATION

Proper implementation of the law should result in a *de facto* redrawing of pre- and post-Independence land maps, as local people register their customarily acquired DUATs, and make new deals with investors over specific parcels of land. Such ´controlled transformation´ should begin by recording existing customarily acquired rights on official land maps, and *then* adding a second layer of existing and new ´non customary´ DUATs which can and do co-exist within the same overall area.

Recording Local Rights

The production systems and livelihoods analysis of land rights translates into customarily acquired DUATs being legally recognised over resources that are not always 'occupied' in the direct sense of being worked today. These areas can be very large and are included within what the law calls 'local communities':

'A grouping of families and individuals, living in a circumscribed territorial area at the level of a locality [the lowest official unit of local government in Mozambique] or below, which has as its objective the safeguarding of common interests through the protection of areas of habitation, agricultural areas, whether cultivated or in fallow, forests, sites of socio-cultural importance, grazing lands, water sources and areas for expansion' (Law 19/97, Article 1, Number 1)

The local community itself is a title holder of a single state DUAT. The law also recognises that customary norms and practices also determine individual and family land rights within the community. These lower level rights are also equivalent to State DUATs, and recording the community DUAT on a map provides them with a good degree of protection and makes the codification of the many customary systems unnecessary.

The unequal treatment of women in some customary contexts is addressed by affirming the primacy of constitutional principles. Mozambican Civil Code provisions regulating the internal management of community DUATs also give all local community members an equal say in important land management decisions.

In 1998 local communities were officially recognised as being 'open border' systems (Tanner et al 1998). While the community DUAT is private and exclusive – like any other DUAT - investors can come inside and occupy local land if it is ´free of occupation´ or if the community agrees to cede its rights.

[5] Carlos Agostinho do Rosario was Minister of Agriculture in charge of the Land Commission to January 2000, and oversaw the development of the Land Law, Regulations and Technical Annex.

The Cadastral Atlas should therefore by now be amply covered by the contours of local community DUATs. This is not the case however, for two important reasons. Firstly, the law does not oblige local communities (or their members) to identify and register their rights. Secondly, the public land administration has paid little attention to this aspect of the Land Law.

Registering Customarily Acquired Rights

The legislators recognised that communities do not have the resources or know-how to comply with a legal obligation to ´register or lose you rights´ requirement[6]. Therefore DUATs acquired by customary or ´good faith´[7] occupation do not have to be registered. Furthermore 'the absence of a title document (*titulo)* does not undermine these DUATs, so long as thry can ´proven by means specified in the law[8].

Yet not having to register a right does not mean it should not be done. Proof 'by means specified in the law' is an important condition - it is sometimes necessary to prove local rights and show where they exist. The ´means specified´ are in the Technical Annex to the Regulations: ,a field-tested participatory methodology - delimitation – which *proves* the community-held DUAT, and *establishes the area over which it extends.* The process relies heavily on *´testimonial evidence presented by male and female members of local communities´,* accepted as proof in the law and in itself a breakthrough for helping local people to prove and secure their rights. The process also looks at evidence of historical occupation, production and social systems, and traditional boundaries.

The resulting 'participatory map' must be verified by neighbouring communities, before being transferred to official maps and a Certificate issued in the name of the community. The whole process It does involve costs and takes time however, and unless they understand their rights and there is support available, few communities will do this voluntarily or unaided.

Not having to register these rights also means there is no pressure on public services to record these rights. Yet these customarily acquired DUATs exist all over Mozambique, and very few have been formally mapped and registered. If they *had been*, the land use and occupation map would show very large areas already occupied and with secure community held title, leaving little if any 'free' land. Indeed the National Director for Land has admitted this significant weakness in the public database[9].

Knowing Your Rights

Unregistered community and good faith DUATs may be legally recognised, but invisible to anyone but local people and their neighbours. Faced by rising demand for land, local

[6] Personal notes, FAO and Land Commission files.
[7] ´Good faith´ occupation: uncontested occupancy and use of a piece of land for ten years or more
[8] Article 13, Line 2 and Article 14, Line 2.
[9] Speaking at the National Seminar on Integrating Territorial Planning and Natural Resources Management in the Context of Decentralised Planning, Beira, 31 August – 2 September 2005

people with unregistered rights are then exposed to *de facto* expropriation and cannot really negotiate with investors – how can you negotiate over land if it is not clear whose land it is? Local communities therefore need to know their rights and why they are important.

Public education has so happened in four distinct situations. Firstly, during the public debate before Assembly approval, copies of the land law bill were publicly available in the national press and the Assembly itself. All laws must also be published in the *Boletim Oficial* to formally come into effect, and anyone can get copies from the Public Information Bureau or Official Press. In practice however, few local people will have been informed in this way.

Secondly, the Land Commission and FAO trained more than 120 NGO and public sector field staff to carry out 21 pilot exercises to test and develop the participatory methodology used in community delimitation. Results were analysed in national workshops before drafting the Annex, and were also developed into training manuals and a video on delimitation (Land Commission 2000a,b,c). Many of those trained in the late 1990s are now in senior posts in various NGOs and projects, and continue to advocate for better implementation of the community aspects of the Land Law. The materials are also still being used today by NGOs; and within the public sector, in training programmes for judges and prosecutors[10].

The Land Commission also translated the Land Law, Regulations and Technical Annex into four of the main national languages, and two more have just been added. Demand is high, but distribution by the National Land Administration has not yet reached down to local level field staff[11].

Thirdly, and most importantly, a National Land Campaign launched by international and national NGOs in 1998 took six basic Land Law messages to local level:

- consultations (between local communities and would-be investors) are obligatory
- communities can sign contracts (with investors, the State)
- women have equal rights
- rights of way must be respected
- register your rights
- what to do in the case of conflicts[12]

After the Land Campaign the more robust NGO groups have worked hard to provincial Land Forums going. On the public sector side, the cadastral service has carried out training courses for District Administrators and other sector officers, and have an official English language version available on their website[13]. Their focus is very much on promoting new private sector requests for land rights (see below). Community

[10] Centre for Legal and Judicial Training of the Ministry of Justice. Course module in Land Law.
[11] Field data and interviews.
[12] Land Campaign (1998)
[13] www.dinageca.gov.mz

delimitation has not been a high priority, and little real attention is paid to informing people of their rights before community-inevstor consultations take place.

Other programmes spread awareness by using the Land Law in practice. With FAO/ Netherlands support, the Community Based Natural Resources Management (CBNRM) Programme at the National Directorate for Forestry and Wildlife of the Ministry of Agriculture has reached some 68 communities since 1996. Community delimitation is integrated with participatory land use planning ahead of community development activities (Durang and Tanner 2004; Enosse et al 2005).

Progress To Date

Apart from the 21 Land Commission pilots ,most delimitations have been supported by NGOs. Some donors – notably DfID and the Netherlands – have supported substantial community delimitation programmes in Zambezia and Nampula respectively, working with the national NGO ORAM. ORAM has also been supported by GTZ in Sofala, while small local NGOs such as Kwaedza Simukai and Caritas have been active in Manica. Helvetas, Action Aid and others have worked in Maputo Province and in Gaza.

Thus while the law does not oblige communities to register their rights, there has been considerable pressure to promote registration, both to secure local resources and as a first step for development initiatives. The most recent survey of delimitation so far carried out was done in 2003 for DfID (Table One). This shows that 180 communities had been delimited by June 2003. The impact of focused donor support is evident.

TABLE 1
COMMUNITY LAND DELIMITATIONS UNDERWAY AND COMPLETED
MOZAMBIQUE, JUNE 2003

Province	Number of delimitations	Number of certificates issued	Number of titles issued	Number of substantial post delimitation activities
Niassa	5	3	0	1
Cabo Delgado	11	0	0	0
Nampula	56	19	24	1
Zambezia	48	28	0	1
Tete	2	0	0	0
Manica	18	4	0	1
Sofala	17	5	0	1
Inhambane	5	0	0	0
Gaza	9	8		1
Maputo	9	7		
Total	180	74	24	

Source: CTC 2003:19

Of the 180 delimited communities, just 74 had Certificates issued by provincial cadastral services. This reduces the effective mapping of customarily acquired rights, as they cannot be recorded (‘*lançado)* on the official Cadastral Atlas without a Certificate. Reasons for not issuing certificates vary from not having an officially prescribed form, to the presence of private investors and/or conflicts within communities. In one case, an already issued Certificate has been held back by the local administration, arguing that handing it to the community will cause conflict in an area of high investor demand[14].

It is not clear how many local communities there are, but the Ministry of State Administration has recorded over 10,000 villages. Normally a ‘local community’ will include several villages, so there could be anything between 2,000 and 3,000. Evidently recording just 74 communities – or the 180 delimited without Certificates – will not make a big mark on official maps. Yet with up to 90 percent of land rights allocated through customary systems, the opposite should be the case – Cadastral Maps should be full of the outlines of community DUATs already acquired and recognized by law.

The Public Sector Response

The absence of local rights on cadastral maps is also the result of a weak public sector commitment to community rights registration. Apart from the 21 Land Commission pilots, public funding started low and declined from 2001 to 2003 (Table Two). There is little recent data, but the new PROAGRI II sector programme appears to have even fewer resources allocated to recording the basic land rights of the majority rural population.

TABLE 2

ALLOCATION OF PUBLIC SECTOR RESOURCES TO COMMUNITY LAND DELIMITATION THROUGH PAAO SPGC BUDGETS: 2001 - 2003

	Resources for Community Land Registration (MTS 1000)			Resources for Community consultations (MTS1000)		
	2001	**2002**	**2003**	**2001**	**2002**	**2003**
Niassa	142520	28080	116400	0	88000	0
Cabo Delgado	67920	0	23500	34060	14000	0
Nampula	301040	57600	0	71832	41800	42600
Zambezia	335080	73800	83260	62000	130500	42720
Tete	36432	90000	37260	0	25380	0
Manica	27504	22680	83425	79200	37900	81700
Sofala	147488	0	0	26720	0	0
Inhambane	0	47520	20184	0	176400	0
Gaza	80000	11520	5800	0	0	0
Maputo	10836	118700	42840	7224	0	0
Total (1000Mts)	1.148.820	449.900	412.669	281.036	513.980	167.020

Source: CTC (2003: 44), using data from the sector programme PROAGRI

Using the then exchange rate of some MTS 20,000 per US dollar suggests that public resources could have funded ten delimitations in 2001, declining to 3 or 4 in 2003. This

[14] Anecdotal evidence is from a reliable NGO source.

is an extremely low level of funding for a State committed to safeguarding the basic rights of its citizens.

The DNFFB/FAO CBNRM programme has probably done more than the land administration to provide some level of public support to community aspects of the Land Law, supporting delimitations in some project areas to secure the forest and other resources that local people will subsequently manage.

The CTC DfID report estimates that a delimitation exercise costs from US$2200 to US$8800, depending upon the terrain and logistical factors – an average figure is around US$6000. This may seem high, but is cost effective if it gives documentary and visible (recorded on a map) security to hundreds of households at a time, and if compared with the cost of securing a DUAT for an individual. For example it can cost US$400 to survey and provide a title document for a 2-10 hectare plot (CTC 2003:35). For a community of 50 households this would be US$20,000. Delimitation is a good deal in this context.

The Technical Annex indicates when delimitations are necessary[15], and this has a bearing on who pays. Priority is given to conflict areas, where the Public Administration 'decides on how the costs are divided´ [between stakeholders presumably]. Next are areas where new projects are proposed (State or private). Here the Annex is clear: 'costs are supported by the investor'. The third situation is when the community wants a delimitation. Nothing is said about costs here, but it likely that the community or supporting NGO would pay.

Thus the majority of community rights work is still being funded mainly by NGO programmes. To quote the CTC report:

'*In practice, it is very rare for delimitation and registration costs to be supported by a new investor or the State. There are no cases yet of the State proposing a delimitation as a first step in a local development process, as specified in the Land Law Regulations. Accordingly, there are no cases where costs have been assumed either by the public sector, or by the investor at the direction of the local administration. All community land delimitation exercises can then be said to be at the request of the community, and costs are transferred to the community or its support NGO. In practically all cases recorded to date, NGOs or similar organisations have covered the costs and carried out the work*.' (CTC 2003:43-44).

This situation has changed little over the last two years, and even at an optimistic rate of some 45 delimitations per year (based on the Table One figures for all exercises, not those with Certificates), the total could now be around 270. Even at this level, and in terms of the 'new Land Law map of Mozambique, the public database contains almost no information in real terms about customarily acquired land rights. These rights may be legally strong, but their unregistered invisibility means they are still vulnerable to expropriation and enclosure by other interests.

[15] Technical Annex, Article 7

Private Sector and Other Non-customary Land Rights

The treatment of private sector land rights under the 1997 Land Law has been very different. Practically all public sector funding in the five year plan of the last government went to fast tracking private sector requests for new land rights. In contrast to the 180 community delimitations by mid-2003, the CTC report talks of many thousands of private sector land claims processed by public land services since the Land Law came into effect. These include several thousand 'pipeline cases' initiated before the new law, and which had to be validated by following the new procedures, including community consultation.

Unlike community rights, new DUATs acquired from the State must be registered by law. They are all therefore recorded on the official land map of Mozambique, presenting a one-sided view of where legally attributed and protected rights actually exist. The administration of these rights is not free of problems, with overlapping rights and poor survey work causing many land conflicts. But the basic point remains: these are the only rights recorded on the public database, and they are by far the least in number compared with customarily acquired community DUATs, and those held by community members.

Historical Land Units

There is also another underlying layer of land holdings with roots in the colonial era. The colonial plantations that became State Farms after Independence, and the thousands of smaller colonial properties, still exist on the cadastral database with their original borders.

The setting up of these colonial units always involved the relocation of local people from the best land to marginal areas nearby, where they formed a labour pool for the colonial enterprises (for example, Negrão 1995). Since the mid-1990s they have been the focus of private sector interest, and many have already been privatized as going concerns. Where former owners have succeeded in changing their previous rights into a new DUAT, they legitimately exist on official maps. All the other old colonial properties should have disappeared off the map at Independence, and under the 1997 Land Law, should have reverted to local community ´use and occupation´. Instead they reside silently in cadastral records, treated by the land administration as already alienated from community control and fixed both spatially and cadastrally.

When an investor does come along to take one over, a round of acute conflicts inevitably starts, with the State arguing that the local residents have no permanent right to be there, and have just been allowed to stay until a new owner can be found. Residents in turn argue that they have been there for years and have *de facto* acquired DUATs either as a community or as individuals. Recent research into natural conflicts has revealed many such cases, where local people are struggling with the new 'owner' of an old colonial property that has been transferred to him by the State as a going concern[16].

[16] An FAO programme at the Legal and Judicial Training Centre (CFJJ). See Afonso et al (2004)

Colonial national parks and official hunting reserves (*coutadas)* also remain as ´public domain´ areas where in theory no-one can live, farm or hunt. Again however, all these areas have significant resident populations, claiming historic rights and reoccupying ´their´ territories during the years of neglect and war. Private firms now securing management contracts end up in conflicts with people living in these areas when they start their tourism or safari hunting.

There are some flagship examples of positive collaboration between operators and local people. These are resulting in negotiated settlements that bring benefits to both sides, rather like the Makuleke case in South Africa[17]. In other areas there are acute and sometimes violent conflicts between the operators and local people, who can prove historical occupation (in effect the delimitation approach [18]; and with the State which has told the operators that they have exclusive rights.

This issue is even more complex in the new National Parks created since Independence, where people living there can claim a pre-existing right under the current 1997 legislation. The unresolved debate in Mozambique is about whether local rights are extinguished when a new Park is declared, or whether they carry on, conditioned by park and conservation legislation and subject to negotiated settlements along Makuleke lines.

The old colonial land map of Mozambique is therefore still very real. The settlers may have gone, but many old company or Portuguese farmer land holdings are either the site of bitter conflict, or are being used without any clear legal basis. In all these areas, local people have either reasserted old pre-colonial land rights or claim ´good faith´ occupancy rights, and conflicts occur when the State suddenly gives the DUAT to a new investor.

Land Concentration

The final piece in the new land map of Mozambique is provided by an assessment of land distribution, as a result of many thousands of private land applications since economic liberalisation began in the mid-1980s.

Official data on land distribution is presented in very simple categories that do not allow serious analysis of the evolving land structure of the country. It is however possible to interpret some of the available data to draw tentative conclusions about how the rising tide of private land applications is affecting land concentration.

The first example is from Zambezia Province, where the DfID funded ZADP team had full access to cadastral records (Norfolk and Soberano 2000). Up to March 2000, 3259 applications had been made to the provincial cadastral services, covering a total of 3,613,847 hectares. Of these, 1342 were for residential purposes. All applications less than 1 hectare[19] were taken out, on the grounds that they are mostly for urban commercial

[17] For example the case of Coutada 9, cited in Durang and Tanner (2004)
[18] This is not legally possible, as the law does not allow DUATs inside national parks and protected areas.
[19] The average residential area applied for was 6 hectares. This suggests that some are very large and intended for agricultural or other use. Only small residential plots were therefore removed.

or residential use, as well as 33 cases with purpose 'not indicated', leaving a total of 1678 applications. This exercise was repeated for the number of applications actually approved. The data are presented in three amalgamated bands (Table Three).

TABLE 3
LAND CONCENTRATION INDICATED BY NEW LAND APPLICATIONS UP TO MARCH 2000: ZAMBEZIA PROVINCE

Size of Application	Applications (N=1678) [1]		Approved Applications (N=219) [2]	
	% of Number of applications	% of Total Area Applied For	% of Number Approved	% of total area Approved
1-100 há	44	0.4	59	2.8
100-1000	33	5.3	30	23.5
Over 1000 ha	23	94.3	11	73.7
Total [1]	100	100.0	100	100.0

[1] Excludes 1548 cases <1 ha, and 33 cases 'not indicated'
[2] Excludes 251 cases <1 ha
Source: Norfolk and Soberano 2000:21

The evidence for land concentration in Zambezia Province is compelling. The more accurate indicator is the area actually approved, but even in this case, just 11 percent of approved applicants were allocated nearly 74 percent of the area approved, compared with 59 percent of applicants receiving just under 3 percent of the area approved. The data for all applications reflects the huge demand, and the scale of some applications. In the Norfolk and Soberano dataset, there are 15 applications for areas over 50,000 hectares, covering over 1 million hectares (29 percent of total area applied for).

In Zambezia most of the area requested is for forestry projects (2.2 million hectares or 62 percent of the total) (Norfolk and Soberano 2000:7). In fact a forestry concession holder does not need a DUAT to carry out his or her activities. Forest resources are legally the property of the state and do not 'belong' to the land rights holder – the concession applicant needs to secure a licence to extract timber, and with that they can advance into a give area and start logging. Either way, the net result is usually that the timber company considers the area to be 'theirs', and local interests are largely ignored.

Many such projects conflict badly with local communities who legally hold the DUAT over the area, although in most cases this will not have been proven and registered. In this context, communities have little power to demand a share of the high returns from extracting 'their' timber, although the 1999 Forest and Wildlife Law does demand that local people are consulted by the concession holder before getting a logging licence. In Sofala, years of local level capacity building by ORAM is change this, with some communities now able to insist on some form of participation in commercial logging.

Having a community-held DUAT recorded and registered also raises the leverage the community is able to apply to the concession holders (Tanner 2004).

Recent research by the Centre for Legal and Judicial Training also provides some insight into land distribution. This research looked at the economic and social impact of community consultations, discussed in the next section. Data on areas requested by land applicants was also collected however, and in some provinces it was possible to produce indicative tables of what is happening in terms of land concentration.

Table Four shows the situation in Gaza Province, indicated by a random sample of 41 cases from the files of the Provincial Geography and Cadastre Service (SPGC). Again there is a clear trend towards land concentration through the process of awarding new land rights to private sector applicants. Out of 41 cases, 17 (42%) account for 95 percent of the area requested. At the bottom of the scale, 13 cases (32%) account for less than 1 percent of the area applied for. While the data are by no means complete or statistically valid (all land applications would have to be classified as in the Zambezia study), they do support the general trend observed elsewhere.

TABLE FOUR
LAND CONCENTRATION TRENDS IN GAZA PROVINCE, MOZAMBIQUE, 2004 – 2005

Area (ha)	Number and (%) of Cases	Total Area Requested	% Total Area Requested
0 – 10	8	52	
10 – 50	4	127	0.5
50 – 100	1	100	
100 – 500	7	1,940	1.5
500 – 1000	4	3,504	3.0
1000 – 10,000	15	84,136	65.0
> 10,000	2	39,000	30.0
Total [1]	41	128,859	100.0

Source: Tanner and Baleira (2005:17), using data from a field survey by João Paulo Azevedo.

This view is confirmed by Dr José Negrão from Eduardo Mondlane University in Maputo, whose fieldwork in Manica Province revealed clear signs of land concentration through the allocation of large areas to a relatively small number of applicants[20]. Negrão foresaw a serious increase in land conflicts within the next ten years as a direct result of this process, and thought that across the county as a whole, land concentration resulting from new DUATs is probably benefiting some 60 to 70 families[21]. Whether or not this is

[20] Cruzeiro do Sul, 2004: *Mercado de Terras Urbanos em Moçambique.* Maputo, mimeo; also see www.iid.org.mz

[21] Personal communication. I would like to acknowledge the important contribution to the land debate made by José Negrão, whose untimely death earlier this year has left a huge space in the intellectual landscape of Mozambique.

the case remains to be shown, but the data together certainly add up to a conclusion that a process of land and natural resources concentration is underway.

Benefits to Local People: Community Consultations

The Land Law was described above as an instrument for promoting rural development through a controlled structural transformation. Customaray rights are not frozen, but instead, , by negotiating with investors, local people can gain access to some of the incoming capital and use it for their own development priorities. Using their legally recognised customary rights and community consultations, they can realise at least some of the capital value locked up in their land.

Land concentration is therefore not necessarily be a bad thing (although the trends advise against complacency). Assuming the process is beneficial, and that consultations bring benefits to local people in exchange for giving up their rights over very large areas, it makes sense to look at the impact of these consultations.

Article 27 of the Land Law Regulations requires the District Administrator to issue a statement (*parecer)* about the consultation between a community and investor. This statement should:

'…. *refer to the existence or not, in the area requested, of the Land Use and Benefit Right* [DUAT] *acquired through occupation* [customary or good faith]. *Where other rights do exist over the requested area, the statement will include the terms through which the partnership will be regulated between the titleholders of the DUAT acquired through occupation and the applicant'*[22]

The Technical Annex to the Regulations also says that delimitation should be carried out where new projects are proposed, and that the project (State or investor) should pay for it. This makes sense if a core objective of the consultation is to see if local DUATs already exist in the project area, and especially as the recognition of customary rights suggests that in most places, a local DUAT is very likely.

The National Land Directorate argues that Article 27 alone is adequate for protecting local land interests, and is much less costly in both time and money than a full scale delimitation before the consultation[23]. This is understandable from a public sector with a limited budget, and applying Article 27 does indeed comply with the most essential legal requirements. To the great credit of the land administration, a *consulta* is carried out in practically every new land application. This has had many positive effects, not the least being that local people finally feel they are being taken notice of. Whatever the outcome of the process, this is an important step forwards.

Assuming that local rights – delimited or not – are ceded to the investor, the important question is then whether or not the *consulta* brings benefits to local people that are a)

[22] Law 19/97, Regulations, Article 27
[23] Personal communications with the Director

sufficient to compensate them for the real value of the assets lost; and b) allow them to move out of the poverty trap they are in.

Recent research by the Centre for Legal and Judicial Training and the FAO Livelihoods Programme looked specifically at these questions and clearly indicates that the answer is ´no´in both cases (Tanner and Baleira 2005). Reasons include:

- *local people have very little idea of how to exercise their legal rights* : they may be aware of their rights, but if faced by an outsider together with ´the State' (District Administrator), surveyors, even the police, they feel pressured to say 'yes', and have no idea of being able to negotiate;

- *low local awareness of the real value of the assets*: without some kind of land use inventory and support to understand the real value of their assets (often for new uses they have no knowledge of, such as eco-tourism), local people accept absurdly low 'offers' in exchange for saying 'yes' to the application

- *consultations are poorly carried out, with little real local representation:* local leaders do not consult other community members, or documents are signed by whoever is available at the time

- *most consultations are too short, no more than an afternoon visit* the Land Law principle of co-title holding requires that all community members are consulted, implying time for an internal discussion

- *there are not enough meetings:* investor projects are new and complex, and the community needs at least two meetings to be informed, and discuss an agreement

- *the best 'development outcome' for the community is not a priority:* the over-riding objective of the investor and public officers present is the community 'no objection', without which land applications cannot proceed; public officers are also often aware that investors are supported by higher level political figures

It is very difficult to give a monetary value to the agreements. In some cases, especially in coastal areas where investors are queuing up to build beach lodges, a form of purchase is occurring that can indicate how much some communities are getting for very high value resources. Land cannot be bought and sold, but fixed assets *on* a piece of land are treated as private property and can be sold to a third party. Having acquired the assets, the the third party can then request the transfer of the underlying DUAT into his or her name.

Several cases in prime beach locations in Inhambane Province have standing coconut trees as the basis of the transaction, with a value per tree agreed between the investor and the local community. One 'good practice' case involves a consultation structured around the price paid for coconut trees, where the DUAT title holders – 69 households - handed over 20 hectares of beachfront land for some US$16,000. The investor also agreed to employ local people and upgrade local infrastructure, which seems to be happening.

This is a very small sum to pay for a world class beach location. In fact the average price per hectare in this beach zone is even less, around US$390, with wide variations depending upon the awareness and negotiating skills of local people. This compares with prices charged by developers who later subdivide such areas for holiday homes for prices ranging up to US$200,000 for a ten hectare plot[24].

State services argue that local rights are adequately protected in the consultation process. This might be the case if local people were fully aware of their rights and their spatial dimension in relation to what the investor is proposing and the real value of the land. They are not however, in spite of the hard work of the Land Campaign and others[25].

The CFJJ/FAO data indicate also that the majority of agreements are poorly recorded, and do not contain enough detail to verify whether or not investor promises are adhered to. Field visits to these communities confirm that in fact very few of these promises are kept, even those that involve little real economic commitment by the investor.

This lack of compliance with consultation agreements is confirmed by judges and prosecutors taking part in CFJJ/FAO training in natural resources laws. To date, no community has subsequently taken legal action. Their view of the courts is that they are also part of the same state mechanism that is obliging them to accept the investor and his promises. Moreover they have no idea of how to prepare a case and take it to the public prosecutor or the courts (Tanner & Baleira 2004; Afonso et al 2004).

THE POSITIVE SIDE OF THE PICTURE

It is now more than eight years since the 1997 Land Law came into effect in October 1997, and it was quickly followed – unusually – by its key implementing instruments. But the picture above does not necessarily mean that it has failed.

The development of the law was a major achievement, not only because it provided an innovative and workable solution to very complex problems, but because it was also developed through a participatory exercise that brought in civil society, academics, and all line ministries and sectors with an interest or role in land and resource management. It had, and still has, widespread support across the country, especially amongst those who promote local, community based development and the expect the State to respect and protect the basic rights of its citizens.

Implementation *has* been patchy, with community aspects especially overlooked by public sector administrative agencies. Nevertheless notable progress has been made:

- there is a basic awareness of the legislation amongst all land users in many areas, and of the rights provided for and protected by the new law

[24] Based on conversations with developers, CFJJ/FAO field research, and anecdotal evidence.
[25] Baleira and Tanner (2004)

- a small but important number of communities have had their customarily acquired collective DUAT identified in spatial terms and registered in the Cadastral Atlas
- in practically all new land requests, private investors *are* consulting communities before occupying land, paying some attention to local rights
- community consultations in a limited number of important cases *are* beginning to bring benefits to local people, and impact upon poverty and local development

A type of controlled enclosure process conducted not just to meet the demands of a small powerful elite, but to achieve an equitable and sustainable outcome is being pursued in a small number of cases with some success. There are important pockets around the country where local people who are aware of their rights are increasingly able to defend them and use them to generate new resources for local development.

In the south of Maputo Province, and Gaza Province, Helvetas has been promoting land rights since 1997 – in both areas community owned eco-tourism lodges are now generating useful revenues[26]; Sofala and Nampula Provinces where ORAM continues to delimit community rights and build capacity to deal with outsiders; and Manica, where ORAM and Kwaedza Simukai have created community organisations that are increasingly able to negotiate with outsiders and defend their interests (Chidiamassamba 2004; Knight 2002)[27].

There are also cases of serious investors proposing land use contracts with local residents, even inside the contentious hunting reserves. This approach respects underlying principles of equity promoted by the new laws, and bring benefits to local people (Durang and Tanner 2004)[28]. Other programmes with a strong private sector focus also promote equitable development based upon a recognition of local rights and the role of local communities not just as beneficiaries, but as stakeholders in new projects[29].

Local people who are more aware of *how to use* their rights are beginning to use the Land Law to get at capital locked up in their land. They are increasingly able to use their own rights to secure resources for their own agricultural and other initiatives, and they are learning how to trade them with investors (and the State) through clear agreements that bring benefits for all sides. Both processes can drive a genuine process of local

[26] An excellent example is Canhane Community in Massingir District, where a delimitation and land use plan supported by USAID and FAO preceded the development of a community eco-tourism lodge .

[27] About Manica, Knight asserts that "communities reported that after learning about the land law they felt as though their ignorance and isolation has been alleviated and that a door had been opened for them into the greater national legal system. A sub-chief in Pindanyanga [said] that, 'This new land law…is good, because it is helping people to know their rights to the land. We knew our rights within our culture, but not under the government's laws'" (2002:12)

[28] In Coutada 9, safari operators proposed a revenue sharing agreement with communities in the Coutada,, with an internal zoning of the reserve where the investor has an exclusive Ministry of Tourism concession . In 2005 community leaders received US$18,000 from the first year of operation. .

[29] The African Safari Lodge programme promotes eco-tourism operators who make genuine and beneficial agreements with local people, and which implicitly recognize the underlying rights of local people as the original asset holders. With more attention paid to consultation as a negotiation over benefits, future projects can then secure greater benefits for both sides.

development and poverty reduction, and influence longer term policy development in the context of decentralisation and local planning that is being extended across the country.

Moreover efforts are continuing to promote the new laws and their correct application. The Land Campaign mobilised around 200 national and international NGOs and succeeded in taking its messages to rural communities in all provinces. Provincial 'Land Forums' are still active, particularly in Nampula. Local NGOs have kept up with training linked to development projects that need secure land rights to move forwards. NGOs still ask for copies of Land Commission training manuals, and Land Campaign material is available through Kulima, a Maputo-based NGO in the national Land Forum.

In the public sector, the national land administration continues to disseminate the Land Law, albeit still focused on the process of acquiring new land rights. Nevertheless recent remarks about the absence of customarily acquired rights in the Cadastral Atlas suggest that more attention might soon be paid to identifying and recording these rights. NGOs and others must be ready to ensure that the approaches used result in Certificates that reflect the real dimension of these rights, so that communities can negotiate from a position of strength with investors and the State.

The Community Management programme of the National Directorate of Forestry and Wildlife, and sectors like Environmental Coordination are also working at local level to inform people of their rights and promote activities based on varying degrees of local control over resources. The Centre for Legal and Judicial Training continues to teach the Land Law to judgese and prosecutors, as well as other new laws for Forest and Wildlife and the Environment; new legislation on mining, fisheries and water is being added.

CFJJ/FAO research on natural resources conflicts has also resulted in a training programme in all these laws at district and local community level. This programme will focus more on how to use rights constructively, and when necessary, how to access the justice system to defend them. The critical issue of womens rights and the HIV/AIDS pandemic is also being addressed and included in this training[30] (Seuane 2005). Workshops for District Administrators, judges and public prosecutors will also ensure that each branch of the State understands its role in upholding and applying the law.

CONCLUSION

The discussion has underlined the progressive nature of the 1997 Land Law, and its potential for bringing about a controlled structural transformation of the rural economy without creating social injustice and hardship. Indeed if used as intended by its architects, the Land Law can facilitate a process of local development in which a kind of equitable enclosure process linked to agreements between local people and investors can allow the locked up capital value of local land rights to be made available to local people.

[30] Initial case study research by Sonia Seuane and Megan Rivers-Moore indicates very low awareness amongst women of their basic Constitutional rights, and a failure to use these to defend their land rights when husbands or male household heads die young. See Seuane 2005.

This requires effective implementation of the legislation. A key indicator is progress towards identifying and recording customarily acquired rights, and helping local people appreciate the potential of their land and other resources. There has been limited progress, due mainly to donor-supported NGOs, but the number of registered ´delimitations´ is very low. Public sector involvement has been minimal, with the result that official records practically ignore local land rights, in a country where the vast majority of DUATs are acquired through customary systems.

Much of the colonial land map is also still in place, including old private properties, plantations-turned-State Farms, National Parks and hunting reserves. The failure to remove these old units from cadastral records contradicts the basic philosophical principles of the Land Law, and undermines the rights of local people who have occupied these areas claiming historic or squatters rights. Conflicts erupt when the State then allocates them to investors.

Thus while local DUATs probably exist over most of the country, their invisibility means that local land is vulnerable to investor and elite capture. In this context the evidence of land concentration is worrying. Large parts of the country are covered by customarily acquired rights equivalent to a full State DUAT,and a Gini coefficient for all land rights might suggest that land distribution is still quite egalitarian or even favours the poor rural majority. Applying the same test to the best land (fertile, close to water, roads and markets, in valuable coastal areas) would however suggest that a serious trend towards concentration at the cost of local rights.

The community consultation is said in official quarters to be adequate for protecting local rights, and the fact that all new land requests do involve a prior consultation with local people is a considerable achievement. Yet in the face of rising demand for land, communities ´participate´ from an essentially defensive position, and the process is flawed in any case. But most agreements to date scarcely allow local people to continue where they are, never mind achieve a lift off out of poverty. The final outcome – loss of local rights for little or no return - is weighted in favour of the land applicant.

If these trends continue the end result will be an enclosure movement benefiting national and international interests that is more like the classic English historical model. Moreover the community consultation process actually gives these new enclosures a veneer of respectability by demonstrating compliance with the law, and apparently safeguarding local needs and interests.

Nevertheless there is also much that Mozambique can be proud of. Producing an innovative new Land Law that includes local practices and customs is the first achievement. The resulting law offers huge potential for an equitable process of rural transformation and local economic diversification – enclosures with a human face - based on a rationalization of land use and the availability of new capital and skills through a collaborative relationship between State, people and entrepreneurs.

Real benefits from a more controlled enclosure process are possible if people know how to use and defend their rights, and if consultations are properly carried out. Important benchmark cases are now proving this in practice, and must be used to inform investors and policy makers alike of the real benefits that a more equitable application of the Land Law can bring.

The mid-1990s consensus on basic land policy still exists, albeit challenged by a strong private sector lobby that wants to privatise land. There are indications that some kind of 'market in land use rights' is being considered by government. Indeed a *de facto* market in land rights already exists, and does need to be regulated. How this is done and what the implications are for local people must however be fully discussed.

Even without full privatisation however, there are strong signs that a more conventional form of enclosure movement is underway, in which the more progressive aspects of the Land Law are used to provide a veneer of respectability. The evidence also suggests that a historical Mozambican process is also repeating itself – outsiders occupying local land evidently do not want the marginal areas, and occupy the best parts, leaving local people to survive with fewer and less robust resources, or by working for the new occupants of their land. On what land is left, they resort to frequent burning and shorter rotation cycles - the environmental impact of the enclosures process then also comes to the fore.

This is not a cry of 'foul play' against investors, whose funds and skills are essential for generating new growth, employment, and reducing poverty. Nor is it a call for investors *not* to occupy local land, and for communities to hold on to their rights at any price. Indeed most rural communities *want* investors – they know they need the new jobs, the new market opportunities and the economic shift that will result.

The real issue is the underlying principle of equity, sustainability, and partnership that is eloquently put in the original Land Policy declaration. What local people do *not* want is their land being 'captured' by a class intent on rapid capital accumulation through an enclosure movement that brings no benefits to local stakeholders with legally recognised rights, and which uses elements of new progressive legislation to provide a veneer of respectability to the outcome.

This process is not yet irreversible and large areas are still occupied by local communities who can learn from the growing number of ´best practice´ cases. This discussion is however an alarm call. The huge potential for good in the 1997 Land Law is being wasted, and the Mozambican enclosures could produce the same result as their predecessors in Europe – a dispossessed rural majority, most of whom will have to migrate to the towns, without any compensation for the rights they have lost. Unlike Europe however this will be in a country which is not about to embark upon a labour intensive industrial revolution generating thousands of new urban jobs.

REFERENCES

Afonso, Angelo, João Paolo Azevedo, João Bila, Elénio Cavoessa, Constantino Chichava, Eduardo Chiziane, Altino Moisés, Carlos Pedro, José Santos, and Carlos Serra (2004): Pesquisa sobre os Conflitos de Terra, Ambiente, e Florestas e Fauna Bravia – Relatórios Provinciais. Maputo, Centro de Formação Jurídica e Judiciaria and FAO, Project GCP/MOZ/069/NET.

Baleira, Sergio and Christopher Tanner (2004): Relatório Final da Pesquisa sobre os Conflitos de Terra, Ambiente, e Florestas e Fauna Bravia. Maputo, Centro de Formação Jurídica e Judiciaria and FAO, Project GCP/MOZ/069/NET

Bruce, John and Christopher Tanner (1993): *Structural Adjustment, Land Concentration and Common Property: the Case of Guinea Bissau.* Roskilde, Denmark, Occasional Paper No 9, Institutional Issues in Natural Resources Management (edited by Henrik Secher Marcussen)

Carilho, João (1994): *Case Studies on Customary and Formal Administration of Land and Natural Resources in Mozambique.* Maputo, FAO-UNDP TSS-1, Advisory Policy on Rural Resettlement and Land Tenure, Volume Two (Consultant Reports)

CFJJ (2004): *Coletânea da Legislação sobre a Terra.* Maputo, Kapicua Editora. One of a series of volumes on natural resources legislation published by the Centro de Formação Jurídica e Judiciaria and FAO Project GCP/MOZ/069/NET

Chidiamassamba, Catarina (2204): Parcerias entre comunidade local e sector privado. Paper presented at the hird National Conference on Community Natural Resources Management, Maputo, 21 July 2004

CTC (2003): Appraisal of the Potential for a Community Land Registration, Negotiation and Planning Support Programme in Mozambique. Maputo, Department for International Development and CTC Consulting, St Ives, Cambridge, England

De Wit, Paul (1996): *Uma metodologia para o estudo da gestão de terra a nível da comunidade na Guiné Bissau.* Bissau, Ministry of Public Works, Construction and Urbanism, Directorate of Cadastre and Geography. ACP/GUB Project No 7, Valorização de Recursos Fundiarios na Guiné Bissau (paul.dw@pi.be)

De Wit, Paul, Nyamuno C., Shumba M., and L. Mufandaedza (1995): *Propostas de Planeamento de Uso de Terra parte 1: Questões e necessidades de uso de terra aso diferentes níveis operacionais.* Maputo, National Institute for Agronomic Research (INIA), Land and Water Department/National Family Sector Agricultural Pre-programme, FAO-UNDP Project MOZ/92/012.

------- (1996): *Propostas de Planeamento de Uso de Terra parte 2: Diretrizes de planeamento de uso de terra oarticipatorio aos níveis do distrito e da comunidade.*

Maputo, National Institute for Agronomic Research (INIA), Land and Water Department/National Family Sector Agricultural Pre-programme, FAO-UNDP Project MOZ/92/012

Do Rosario, Carlos Agostinho (2005): Humanização da Globalização: Desafio para a redução da pobreza em Moçambique. New Delhi, Krest Publications

Durang, Tom and Christopher Tanner (2004): *Access to land and other natural resources for local communities in Mozambique: Current examples from Manica Province.* Belville, Western Cape, University of the Western Cape School of Governance, Programme of Land and Agrarian Studies, Occasional Paper No 27

Enosse, Celia, Marcelino Foloma and Arlito Cuco (2005): *Participação Comunitária na Gestão de Recursos Naturais.* A paper presented at the National Seminar on Integrating Territorial Planning and Natural Resources Management in the Context of Decentralised Planning, Beira, 31 August – 2 September 2005

FAO (1994a): *Mozambique: Advisory Policy on Rural Resettlement and Land Tenure – Main Report.* Maputo, FAO-UNDP TSS-1, Advisory Policy on Rural Resettlement and Land Tenure, UNDP-FAO Work Programme 1992 – 1993, Report Number MOZ/92/T02/A/08/12

------ (1994): *Mozambique: Advisory Policy on Rural Resettlement and Land Tenure.* Maputo, TSS-1 Technical Support Services of Programmes, UNDP/FAO Work Programme 1992 – 1993 Report No MOZ/92/T02/A/08/12, Volume Two (Consultant reports)

Government of Mozambique (1995): *A Política Nacional de Terras e Estrategia para a sua Implementação.* Maputo, Council of Ministers

Knight, Rachael (2002): *Camponeses' Realities: Their Experiences and Perceptions of the 1997 Land Law*. Unpublished research report funded by the Fulbright Foundation and supervised locally by Dr. Jose Negrao

Land Campaign (1999): *Manual para melhor compreender A Nova Lei de Terras.* Maputo, Forum Terra and (now) Kulima (local NGO holding campaign material)

Land Commission (2000a): *Manual de Delimitação de Terras das Comunidades.* Maputo, Inter-ministerial Commission for the Revision of Land Legislation, Ministry of Agriculture and Rural Development, and FAO

------ (2000b): *Manual do Curso de Delimitação de Terras das Comunidades.* Maputo, Inter-ministerial Commission for the Revision of Land Legislation, Ministry of Agriculture and Rural Development, and FAO

------ (2000a): *A Nossa Terra.* A video accompanying the two training manuals on Community land delimitation. Maputo, Inter-ministerial Commission for the Revision of Land Legislation, Ministry of Agriculture and Rural Development, and FAO. Produced by IRIS Imaginações.

Myers, Gregory, Harry G West and Julieta Eliseu (1993): *Land Tenure Security and State Farm Divestiture in Mozambique: Case Studies in Nhamatanda, Manica, and Montepuez Districts*. Madison, Wisconsin, Land Tenure Centre Research Paper No 110

Myers, Gregory, Julieta Eliseu and Erasmo Nhachungue (1993): *Security and Conflict in Mozamique: Case Studies of Land Access in the Post-war Period.* Maputo, Ministry of Agriculture and Fisheries, and Wisconsin, Madison, Land Tenure Centre

Negrão, José (1995): *One Hundred Years of African Rural Family Economy: the Zambezi Delta in Retrospective Analysis.* Reprocentralen, Lund, Sweden

Rodrigues, Anabela (1994): *Sobre o Mercado, a Taxa de Terras e o Tamanho das Exlorações Agrícolas.* Maputo, FAO-UNDP TSS-1, Advisory Policy on Rural Resettlement and Land Tenure, Volume Two, Annexes (Consultant Reports)

Russel, Rex C. (2000): Parliamentary Enclosure, Common Rights and Social Change. In the Journal of Peasant Studies, Vol. 27, No. 4, July 2000, pp. 54-111

Seuane, Sonia (2005): *Aspectos de género e o impacto do HIV/SIDA sobre os direitos das mulheres e das crianças no acesso a terra e recursos naturais.* Maputo, Centro de Formação Jurídica e Judiciaria, DfID-FAO Livelilhoods Support Programme. An unpublished report commissioned by UNAIDS..

Tanner, Christopher (1991): *Relations Between Ponteiros and Tabancas: Implications for a New Land Law in Guinea Bissau.* Bissau, USAID and St Ives, Cambridge, England, unpublished report for USAID

------- (1993): *Land Disputes and Ecological Degradation in an Irrigation Scheme: A Case Study of State Farm Divestiture in Chokwe, Mozambique.* Maputo, Ministry of Agriculture and University of Wisconsin-Madison Land Tenure Centre, Research Paper No 111

------ (1994): *Customary Land Administration and "Terroires" as a Model for Local Government: A Comparative View of Reform in Practice in Mozambique and Guinea Bissau.* Maputo, Proceedings of the 1994 National Land Conference (Nucleo de Estudos de Terra, Eduardo Mondlane University, and University of Madison-Wisconsin Land Tenure Centre)

------- (2000b): *Community Based Land Tenure Reform in Mozambique: Case Study for FAO Farm Systems Study.* Rome, FAO Investment Centre, case study prepared for a forthcoming World Bank publication on rural development strategies.

------ (2002): *Law Making in an African Context: the 1997 Mozambican Land Law.* Rome, FAO, FAO Legal Papers Online Number 26

------- (2004): A Relação Entre a Posse de Terra e os Recursos Naturais. Keynote paper presented to the Third National Conference on Community Natural Resources Management, Maputo, 21 July 2004

Tanner, Christopher and Sergio Baleira (2005): *The Impact of Community Consultations on Local Livelihoods.* Centro de Formação Jurídica e Judiciaria and FAO, CFJJ-FAO Cooperation, DfID-FAO Livelilhoods Support Programme.

Tanner, Christopher, Paul De Wit and Sevy Madureira (1998): *Propostas para um Programa de Delineação das Comunidades Locais.* Maputo, Inter-ministerial Commission for the Revision of Land Legislation, Ministry of Agriculture and Rural Development/FAO, document presented to the National Seminar on Delimiting Community Land, Beira, August 1998